



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 1

MONITOR

62 General duties

- (1) The main duty of Monitor in exercising its functions is to protect and promote the interests of people who use health care services by promoting provision of health care services which—
 - (a) is economic, efficient and effective, and
 - (b) maintains or improves the quality of the services.
- (2) In carrying out its main duty, Monitor must have regard to the likely future demand for health care services.
- (3) Monitor must exercise its functions with a view to preventing anti-competitive behaviour in the provision of health care services for the purposes of the NHS which is against the interests of people who use such services.
- (4) Monitor must exercise its functions with a view to enabling health care services provided for the purposes of the NHS to be provided in an integrated way where it considers that this would—
 - (a) improve the quality of those services (including the outcomes that are achieved from their provision) or the efficiency of their provision,
 - (b) reduce inequalities between persons with respect to their ability to access those services, or
 - (c) reduce inequalities between persons with respect to the outcomes achieved for them by the provision of those services.

Status: This is the original version (as it was originally enacted).

- (5) Monitor must exercise its functions with a view to enabling the provision of health care services provided for the purposes of the NHS to be integrated with the provision of health-related services or social care services where it considers that this would—
- (a) improve the quality of those health care services (including the outcomes that are achieved from their provision) or the efficiency of their provision,
 - (b) reduce inequalities between persons with respect to their ability to access those health care services, or
 - (c) reduce inequalities between persons with respect to the outcomes achieved for them by the provision of those health care services.
- (6) Monitor must, in carrying out its duties under subsections (4) and (5), have regard to the way in which—
- (a) the National Health Service Commissioning Board carries out its duties under section 13N of the National Health Service Act 2006, and
 - (b) clinical commissioning groups carry out their duties under section 14Z1 of that Act.
- (7) Monitor must secure that people who use health care services, and other members of the public, are involved to an appropriate degree in decisions that Monitor makes about the exercise of its functions (other than decisions it makes about the exercise of its functions in a particular case).
- (8) Monitor must obtain advice appropriate for enabling it effectively to discharge its functions from persons who (taken together) have a broad range of professional expertise in—
- (a) the prevention, diagnosis or treatment of illness (within the meaning of the National Health Service Act 2006), and
 - (b) the protection or improvement of public health.
- (9) Monitor must exercise its functions in a manner consistent with the performance by the Secretary of State of the duty under section 1(1) of the National Health Service Act 2006 (promotion of comprehensive health service).
- (10) Monitor must not exercise its functions for the purpose of causing a variation in the proportion of health care services provided for the purposes of the NHS that is provided by persons of a particular description if that description is by reference to—
- (a) whether the persons in question are in the public or (as the case may be) private sector, or
 - (b) some other aspect of their status.
- (11) In this section—
- “health-related services” means services that may have an effect on people’s health but are not health care services or social care services;
- “social care services” means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970).